

## **ARTICLE IV**

### **ADMINISTRATIVE SERVICES<sup>1</sup>**

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**1. Editor's Note—Former § 4.07 Pertaining To The Executive Assistant To City Council And Deriving From Measure C From The Election Held On November 2, 2021, Was Deleted In Its Entirety By Measure B From The Election Held On November 7, 2023.**

**§ 4.01. City Manager.**

- (a) **Appointment and qualifications:** The city council shall appoint a city manager by affirmative vote of at least four members. The council shall determine a method of selection that ensures orderly, nonpartisan action in securing a competent and qualified person to fill the position. The city manager shall be chosen based on executive and administrative training, experience, and ability. Within 180 days after appointment, the city manager shall become a resident of the city. An affirmative vote of a majority of the voting members of the city council shall be required to terminate a city manager.
- (b) **Term and compensation:** The city manager shall be employed for a term and compensation and upon conditions determined by the city council.
- (c) **Powers and duties:** The city manager shall be the chief administrative officer of the city and shall be responsible to the city council for the proper administration of all city matters. In fulfilling that administrative responsibility, the city manager shall:
  - 1. Implement the general policies established by the City Council[.]
  - 2. See that all state laws and city ordinances are effectively enforced.
  - 3. Appoint, suspend, or remove department heads in accordance with the city's established policies and procedures, except as otherwise provided in this charter.
  - 4. Attend all city council meetings unless excused by the council.
  - 5. Prepare the annual budget and submit it to the city council in accordance with section 9.03 of this charter and be responsible for administration of the budget after its adoption.
  - 6. Prepare and submit to the city council at the end of each fiscal year a complete report on the finances and administrative activity of the city for the preceding year.
  - 7. Submit to the city council a monthly budget report; keep the council informed regarding the city's financial condition and future needs; and make financial recommendations.
  - 8. Provide reports concerning the operation of city departments, offices, commissions, boards and agencies, as required by the city council.
  - 9. Serve as officer for public records in accordance with the Texas Open Records Act, Chapter 552, Government Code, and the custodian of records under the Local Government Records Act, Subtitle C, Title 6, Local Government Code.
  - 10. If authorized by the city council, sign any contract, conveyance or other document.
  - 11. Assist each board or commission that must make recommendations to the city council regarding the expenditure of funds or capital improvements in the preparation or amendment of a five-year plan to submit to the council.
  - 12. Perform the duties prescribed by this charter and other duties as may be required by the city council, consistent with this charter.

13. Annually submit a five-year capital improvements plan to the city council, at least one hundred twenty days before the beginning of the budget year. The plan must list projects in order of preference with a recommendation for the year of construction for each project.
14. Meet with, on no less than a quarterly basis, the representative of the association selected by a majority of the police officers of the police department of the city as the exclusive representative for the police officers to discuss police officer working conditions and compensation, unless a majority of the police officers withdraw the recognition. If a question is raised as to whether an association is the majority representative of the employees of a department, it shall be resolved by a fair election conducted according to procedures agreed on by the parties. If the parties are unable to agree on fair election procedures, any party may request the American Arbitration Association to conduct the election and certify the results. Certification of the results of an election under this section shall resolve the question regarding representation. Any and all of the parties seeking representative status shall pay the expenses of any election equally.

(d) Acting city manager: Within sixty days after the city manager takes office, the city council, on recommendation of the city manager, shall appoint a qualified administrative officer of the city to serve as acting city manager in the manager's absence or disability. No member of the city council may serve as acting city manager.

**§ 4.02. Municipal Court.**

- (a) Establishment: A municipal court for the City of Pflugerville is established and shall be maintained for the trial of misdemeanor offenses. The municipal court shall have all the powers and duties of municipal courts prescribed by State law.
- (b) Municipal judge and associate judges: The city council shall appoint a municipal judge, who shall be an attorney licensed to practice law in Texas and a resident of the City, and shall fix the compensation for that office. The city council, in its discretion, may appoint additional associate municipal judges, who shall not be required to be attorneys. All municipal judges shall serve at the will of the council and shall receive compensation fixed by the city council.
- (c) Municipal court clerk: The city manager shall appoint a clerk of the municipal court and deputies, as needed, who shall have power to administer oaths and affidavits, make certificates, affix the seal of the court, and perform any of the usual and necessary acts performed by clerks of courts in issuing process and conducting the business of the court.
- (d) Finances: All costs, fees, special expenses, and fines imposed by the municipal court shall be deposited to the city treasury for the use and benefit of the city, except as otherwise required by state law.

**§ 4.03. City Attorney.**

The city council shall appoint a city attorney, who shall be a competent attorney, duly licensed

to practice law in Texas. The city attorney shall serve at the will of the council and shall receive compensation as fixed by the council. The city attorney shall be the legal advisor and attorney for the city and all its departments and officers in the conduct of city business and shall represent the city in all litigation; however, the city council may retain special counsel at any time it deems necessary or advisable.

#### **§ 4.04. City Secretary.**

The city manager shall appoint the city secretary and may appoint assistant city secretaries, as needed. The city secretary shall serve at the will of the city manager and shall perform the following duties:

1. Post or cause to be posted notice of city council and city board or commission meetings, as required by the Texas Open Meetings Act, Chapter 551, Government Code.
2. Keep or cause to be kept minutes of city council meetings and ensure that minutes of city board or commission meetings are kept.
3. Authenticate by personal signature and record or cause to be recorded in full, in a book indexed for this purpose, all ordinances and resolutions.
4. Serve as an agent of the officer of public records in accordance with the requirements of the Texas Open Records Act, Chapter 552, Government Code, and the records management officer under the Local Government Records Act, Subtitle C, Title 6, Local Government Code.
5. Perform all duties prescribed by this charter.
6. Perform other duties as required by the city council or assigned by the city manager.

#### **§ 4.05. Personnel Policies.**

- (a) The City Manager, subject to the approval of the City Council, shall develop policies and procedures to govern the hearing and redress of employee grievances regarding wages, hours of work, and conditions of work and to provide for the annual evaluation of all City employees.
- (b) All full time employees shall be required to complete an initial probationary period.
- (c) Any regular full-time employee who has been promoted or appointed from within the City ranks to a position as department head, assistant department head or assistant city manager may be demoted to their previous rank/classification by the City Manager with or without cause and without right to appeal to the Board. However, if a department head, assistant department head or assistant city manager had not been employed by the City immediately prior to the time of appointment, demotion does not apply.
- (d) Personnel Appeal Board. All commissioned peace officers that are regular, full-time employees or regular, part-time employees of the City (excluding the Police Chief and any other commissioned peace officers that do not report to the Police Chief or any contract employees) who have completed their initial probationary period, may appeal a

disciplinary action resulting in a placement on suspension greater than 15 calendar days, a demotion to a lower rank or classification, or a termination of employment to a three-member Personnel Appeal Board panel. The following procedures apply to the Personnel Appeal Board:

1. The Mayor, with the advice and consent of the City Council, shall appoint not less than five (5) individuals to serve on the Personnel Appeal Board for up to 3 years. Any given panel will consist of three (3) of the appointed members. The Mayor, with the advice and consent of the City Council, shall establish the procedures for the conduct and recording of the Personnel Appeal Board hearings and outcomes. Members of the Personnel Appeal Board must be at least 21, have no criminal record, no prior employment with the City, and be a resident of the City of Pflugerville for at least 3 years.
2. The employee shall notify the City Manager in writing within ten (10) working days after the employee receives a written notice of suspension, demotion, or termination that he/she will be requesting the Personnel Appeal Board to hear the appeal. The written notice must include a sworn and notarized statement acknowledging the employee is voluntarily waiving the right to pursue any claims in any state or federal court.
3. Unless the employee agrees to an alternative date, the Personnel Appeal Board panel shall conduct a hearing and render a decision within thirty (30) calendar days from the time the written appeal has been presented to the City Manager.
4. The Board shall not be given any documents or materials or take part in any discussion regarding the appeal prior to the hearing. All hearings shall be open to the public unless otherwise requested by the employee.
5. The City shall carry the burden of proof by a preponderance of the evidence to show that the disciplinary action was for just cause. The panel is not required to use Rules of Evidence, but the hearing shall be fair and impartial. If the employee makes a written request to the City Manager within ten (10) calendar days before the hearing, he/she shall be allowed to review all documents, statements, and records used to determine the disciplinary action at least seven (7) calendar days before the hearing. The employee shall be allowed to introduce evidence or call witnesses. The employee has the right to cross-examine and confront all witnesses. In addition, the party that calls a witness is responsible for paying any charges incurred for that person.
6. The Personnel Appeal Board panel may adjourn to discuss and review the evidence. The panel shall provide a written decision based on the facts presented. The decision shall be announced in an open meeting. The panel has the authority to uphold, reduce, or set aside suspension, demotion or termination. The panel has the authority to reinstate the employee with or without loss of wages, benefits or rank. The decision of the Personnel Appeal Board panel is final and binding on the City and the employee. The employee automatically waives their rights to appeal to a state or federal court unless the panel's decision was without jurisdiction or exceeded its jurisdiction or was influenced by fraud, collusion, or other unlawful means.

(November 2, 2021, measure E)

**§ 4.06. Administrative Departments.**

Administrative departments other than those established and eliminated by this charter, may only be established by an ordinance adopted by the city council; however, the council shall not affect the administrative organization of the city until it has heard the recommendations of the city manager regarding proposed changes.

Except as otherwise provided in this charter, administrative departments shall be under the direction of the city manager, who shall appoint the head of each administrative department, subject to approval of the city council. All department heads shall serve at the will of the city manager. The head of each department shall have supervision and control over the department. Two or more departments may be headed by the same person, and the city manager may head one or more departments.

(November 2, 2021, measure I)